IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3408 OF 2004

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.S.D. Thokade for the Petitioner.

Mr.R.M. Patne, A.G.P. for Respondents Nos.1 to 3.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 12TH JULY 2005

P.C. :

1. Heard Mr.Thokade for the Petitioner. Mr.Patne, A.G.P. appears for Respondents Nos.1 to 3.

2. The Petitioner is seeking a mandamus that approval be granted to his appointment. The appointment was effected in April 2002. There was a ban on fresh recruitments. The husband of Respondent No.7, who was working in the institution, died in January 2003. She is being appointed on a compassionate basis. Inasmuch as there was a ban at the relevant time on the fresh appointments, the appointment of

the Petitioner could not be cleared. In the meanwhile, this eventuality having occurred, Respondent No.7 is given a preference. An affidavit in reply is also filed to that effect by the Education Officer, Zilla Parishad, Sindhudurg. We do not find any merit in the petition to grant any such mandamus. Petition is rejected.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)